

of the limit now provided by law, which are void or unenforceable because the same were made and adopted by resolution, motion, or other informal action; and because of the failure of the governing body of such districts to appoint the proper and statutory board of equalization; and which are insufficient, and void, or unenforceable on account of technical irregularities in the manner of preparing the books and reports of assessors assessing such property; and all equalizations of said valuations of such property for taxation purposes made by the boards of equalization acting for any such school districts, which are irregular or insufficient because the reports of such equalizations were adopted and accepted orally, or by other informal action; and the Acts of making such equalization, were made orally or informally, or in incomplete form; providing this Act shall not affect suits pending at the time same becomes effective; and providing further that this Act shall not validate any valuation placed upon property by any board of equalization or any tax assessor where such property has been valued in excess of its reasonable cash market value, or where such property has been discriminated against as to value or placed upon the rolls at a higher value than property of like kind and character, or at a greater percentage of its value than other property assessed for taxation, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

ROLLINS, Acting Chairman.

#### FORTY-FOURTH DAY

(Monday, March 27, 1933)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following Members were present:

Mr. Speaker.	Baker.
Adamson.	Barrett.
Aikin.	Barron.
Alexander.	Beck.
Alsup.	Bourne.
Anderson	Bradley.
of Bexar.	Burns.
Anderson	Butler.
of Johnson.	Calvert.

Camp.	Lotief.
Canon.	Magee.
Cathey.	Mackay.
Caven.	Mathis.
Chastain.	McClain.
Clayton.	McCullough.
Coombes.	McDougald.
Cowley.	McGregor.
Crossley.	McKee.
Daniel.	Merritt.
Davidson.	Metcalfe.
Dean.	Mitcham.
Devall.	Moffett.
Dunlap.	Moore.
Dunagan.	Morrison.
Duvall.	Morse.
Dwyer.	Munson.
Engelhard.	Nicholson.
Fain.	Palmer.
Few.	Parkhouse.
Fisher.	Patterson.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Puryear.
Golson.	Ramsey.
Good.	Ratliff.
Goodman.	Ray.
Graves.	Reader.
Greathouse.	Reed of Bowie.
Griffith.	Reed of Dallas.
Haag.	Renfro.
Hankamer.	Riddle.
Harman.	Roberts.
Harris.	Rogers of Hunt.
Harrison.	Rogers
Hartzog.	of Ochiltree.
Head.	Rollins.
Hester.	Ross.
Hicks.	Russell.
Hill of Webb.	Savage.
Hodges.	Scarborough.
Holekamp.	Scott.
Holland.	Shannon.
Holloway.	Shults.
Hoskins.	Smith.
Huddleston.	Stanfield.
Hughes.	Steward.
Hunt.	Stinson.
Hyder.	Stovall.
Jackson.	Sullivant.
James.	Tarwater.
Jefferson.	Tennyson.
Johnson	Thomas.
of Anderson.	Tillery.
Jones of Atascosa.	Townsend.
Jones of Runnels.	Turlington.
Jones of Shelby.	Van Zandt.
Kayton.	Vaughan.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Weinert.
Latham.	Wells.
Lemens.	West.
Leonard.	Winningham.
Lindsey.	Wood.
Long.	Young.

Absent

Bedford.

Absent—Excused

Colson.

Johnson

Hill of Brazoria.

of Dimmit.

A quorum was announced present.  
Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Colson for today, on motion of Mr. James.

Mr. Hill of Brazoria for today, on motion of Mr. Dunagan.

The following Member was granted leave of absence on account of illness:

Mr. Johnson of Dimmit for today and the balance of the week, on motion of Mr. Ford.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Reader:

H. B. No. 846, A bill to be entitled "An Act providing for additional time and form for filing with the State Banking Commissioner proof of claim by any depositor in a bank which has ceased to do business and has been administered by the State Banking Commissioner since January 1, 1930; and providing for the payment of any such claim to such depositor; and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Harman and Mr. Kayton:

H. B. No. 847, A bill to be entitled "An Act making an appropriation of the sum of \$5,074.16 (five thousand, seventy-four dollars and sixteen cents), or so much thereof as may be necessary, out of the County and Road District Highway Fund of the State of Texas, to pay the expenses incurred in the administration of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Stanfield:

H. B. No. 848, A bill to be entitled "An Act repealing Chapter 56, Special Laws, Forty-second Legislature, Regular Session, 1931, known as House Bill No. 365, creating the County Court of Potter County at Law; transferring the causes pending on the docket of said Court to the County Court of Potter County and the Justice Courts of Potter County; making all writs and process issued out of said County Court of Potter County at Law valid and binding in the court to which the causes are transferred; and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Long:

H. B. No. 849, A bill to be entitled "An Act to declare the validity of certain indebtedness arising out of the construction of State Highway No. 41, in the County of Real; to place such indebtedness on a parity with bonds, warrants, and other evidences of indebtedness heretofore authorized to be paid out of the County and Road District Highway Fund; providing for the payment of such indebtedness to Real County in trust for Capt. Charles Schreiner, his heirs and legatees; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Stinson:

H. B. No. 850, A bill to be entitled "An Act to amend Article 737, of the Code of Criminal Procedure of the State of Texas, 1925, providing before whom depositions of witnesses residing outside the State may be taken by the defendant in criminal cases so as to permit same to be taken before a judge or chancellor of a supreme court of law or equity; or a judge of a court of record having a seal; or the clerk of a court of record having a seal; or a commissioner of deeds and depositions for this State who resides in the State where the depositions are to be taken, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Holekamp:

H. B. No. 851, A bill to be entitled "An Act repealing Chapter 56, page

94, Acts of the Second Called Session of the Forty-first Legislature; and declaring an emergency." (In regard to salaries of certain county officials.)

Referred to the Committee on Counties.

By Mr. Holekamp:

H. B. No. 852, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Gillespie County, conferring upon said Court civil and criminal jurisdiction, and increasing the criminal and civil jurisdiction of said Court; conforming the jurisdiction of the district court of said County to such change; fixing the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Holekamp:

H. B. No. 853, A bill to be entitled "An Act amending Article 1350, Chapter 3, of Title 17, Penal Code of the State of Texas of 1925, as amended by Chapter 176, Acts of the Regular Session of the Fortieth Legislature, so as to further provide that if any person, who is in charge of possession of real estate upon which there is a valid lien, shall wilfully, and with the intent to injure the holder of said lien, injure or destroy any building, edifice, or material located thereon, he shall be subject to a fine; and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Alsop:

H. B. No. 854, A bill to be entitled "An Act providing for an open season or period of time when it shall be unlawful to take or kill wild quail in certain counties; providing penalties for the violation thereof; repealing all laws and parts of laws in conflict therewith; and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Vaughan:

H. B. No. 855, A bill to be entitled "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 225 and not more than 325, according to the State scholastic census, to borrow money from the Reconstruction Finance Corporation, or from other sources,

for the purpose of installing canning factories, and manual training departments, equipment of physical education department, and the erection of the necessary buildings therefor, providing for charging of fees for the use of such equipment to make same self-liquidating, and providing for the issuance of securities based on such fees which may be supplemented by the local maintenance tax of such districts as a basis of credit for the purchase of such equipment as is named above; and declaring an emergency."

Referred to Committee on Education.

### HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Lotief:

H. J. R. No. 37, Proposing an amendment to Section 26, Article I, of the Constitution of the State of Texas, so as to authorize municipalities to make flat-rate contracts with public utilities for any number of years, not exceeding twenty (20); providing for its submission to the voters of the State of Texas, as required by law, and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

### RELATIVE TO THE CONSIDERATION OF RESOLUTIONS

Mr. Dunagan moved that the resolution period be dispensed with at this time.

The motion prevailed.

### EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communications:

Dallas, Texas, March 27, 1933.

House of Representatives:

My brother and I deeply appreciate your expression of sympathy in our recent sorrow. We will always remember and cherish your thoughtfulness.

SARAH T. HUGHES.

Houston, Texas, March 24, 1933.

House of Representatives:

Mrs. Thomas Watt Gregory and family wish to extend to the House of Representatives their sincere thanks for the resolution in memory of Mr. Gregory, and to acknowledge their deep appreciation of the sympathy expressed for them in their sorrow.

# EXTENDING CONGRATULATIONS TO HON. C. D. BOURNE AND FAMILY

Mr. Moore offered the following resolution:

Whereas, On Sunday, March 26, 1933, there was born to Mr. and Mrs. C. D. Bourne a baby daughter, Donna Bourne; and

Whereas, Our fellow Member, C. D. Bourne, has sufficiently recovered to attend this day's session, and is now present; and

Whereas, He has never addressed this House. Therefore, be it

Resolved by the House of Representatives, That it extend congratulations and best wishes to Mrs. Bourne and daughter, and that our colleague, C. D. Bourne, be invited to address this House on the subject of "Fatherhood."

MOORE,  
WALKER.

The resolution was read second time, and was adopted.

In accordance with the above action, the Speaker announced the appointment of Mr. Moore and Mr. Walker as a committee to escort Mr. Bourne to the Speaker's stand.

The committee having performed its duty, Mr. Bourne addressed the House briefly.

# SENATE BILL NO. 456 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 456, A bill to be entitled "An Act to be known as Article 4386-a, Revised Civil Statutes, 1925; providing for the issuance of warrants for United States postage stamps to be used by boards or departments of the State Government, and providing for the payment of such warrant irrespective of the serial number thereof or the priority of the issuance thereof; and declaring an emergency."

The bill was read second time, and was passed to third reading.

# SENATE BILL NO. 456 ON THIRD READING

Mr. Harman moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 456 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson.	Jackson.
Alexander.	James.
Alsup.	Jefferson.
Anderson	Johnson
of Johnson.	of Anderson.
Baker.	Jones of Runnels.
Barrett.	Jones of Shelby.
Barron.	Kyle of Hays.
Bourne.	Kyle of Palo Pinto.
Burns.	Laird.
Butler.	Lindsey.
Calvert.	Long.
Camp.	Lotief.
Canon.	McClain.
Cathey.	McCullough.
Chastain.	McDougald.
Clayton.	McGregor.
Coombes.	McKee.
Cowley.	Merritt.
Crossley.	Metcalfe.
Daniel.	Mitcham.
Davidson.	Moffett.
Dean.	Moore.
Devall.	Morrison.
Dunagan.	Morse.
Fain.	Munson.
Few.	Nicholson.
Fisher.	Palmer.
Ford.	Pavlica.
Fuchs.	Pope.
Glass.	Puryear.
Golson.	Ramsey.
Good.	Ratliff.
Goodman.	Ray.
Greathouse.	Reader.
Griffith.	Reed of Bowie.
Haag.	Reed of Dallas.
Hankamer.	Roberts.
Harman.	Rogers of Hunt.
Harris.	Rollins.
Hartzog.	Ross.
Head.	Russell.
Hester.	Savage.
Hicks.	Scarborough.
Hill of Webb.	Scott.
Hodges.	Shults.
Holekamp.	Stanfield.
Holland.	Steward.
Holloway.	Stinson.
Hoskins.	Tarwater.
Huddleston.	Tennyson.
Hughes.	Thomas.
Hunt.	Tillery.
Hyder.	Townsend.

Turlington.	West.
Van Zandt.	Winningham.
Wagstaff.	Wood.
Walker.	Young.
Weinert.	

Nays—1

Vaughan.

Absent

Aikin.	Lemens.
Anderson	Leonard.
of Bexar.	Magee.
Beck.	Mackay.
Bedford.	Mathis.
Bradley.	Parkhouse.
Caven.	Patterson.
Dunlap.	Renfro.
Duvall.	Riddle.
Dwyer.	Rogers
Engelhard.	of Ochiltree.
Graves.	Shannon.
Harrison.	Smith.
Jones of Atascosa.	Stovall.
Kayton.	Sullivant.
Latham.	Wells.

Absent—Excused

Colson.	Johnson
Hill of Brazoria.	of Dimmit.

The Speaker then laid Senate Bill No. 456 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—116

Adamson.	Fisher.
Aikin.	Ford.
Alexander.	Fuchs.
Alsup.	Glass.
Baker.	Golson.
Barrett.	Good.
Barron.	Goodman.
Beck.	Greathouse.
Bourne.	Griffith.
Bradley.	Haag.
Burns.	Hankamer.
Butler.	Harman.
Camp.	Harris.
Canon.	Head.
Cathey.	Hester.
Clayton.	Hicks.
Coombes.	Hill of Webb.
Cowley.	Hodges.
Crossley.	Holekamp.
Daniel.	Holland.
Davidson.	Holloway.
Dean.	Hoskins.
Devall.	Hughes.
Dunlap.	Hunt.
Dunagan.	Hyder.
Fain.	Jackson.
Few.	James.

Jefferson.	Reed of Bowie.
Johnson	Reed of Dallas.
of Anderson.	Renfro.
Jones of Atascosa.	Riddle.
Jones of Runnels.	Roberts.
Jones of Shelby.	Rogers of Hunt.
Kyle of Palo Pinto.	Rogers
Latham.	of Ochiltree.
Lindsey.	Rollins.
Long.	Ross.
Lotief.	Russell.
Magee.	Savage.
Mathis.	Scott.
McCullough.	Shults.
McDougald.	Stanfield.
McKee.	Steward.
Merritt.	Stinson.
Metcalfe.	Sullivant.
Mitcham.	Tarwater.
Moffett.	Tennyson.
Moore.	Thomas.
Morse.	Tillery.
Munson.	Townsend.
Nicholson.	Turlington.
Palmer.	Van Zandt.
Pavlica.	Wagstaff.
Pope.	Walker.
Puryear.	Weinert.
Ramsey.	Wells.
Ratliff.	West.
Ray.	Winningham.
Reader.	Wood.

Nays—1

Vaughan.

Absent

Anderson	Kyle of Hays.
of Bexar.	Laird.
Anderson	Lemens.
of Johnson.	Leonard.
Bedford.	Mackay.
Calvert.	McClain.
Caven.	McGregor.
Chastain.	Morrison.
Duvall.	Parkhouse.
Dwyer.	Patterson.
Engelhard.	Scarborough.
Graves.	Shannon.
Harrison.	Smith.
Hartzog.	Stovall.
Huddleston.	Young.
Kayton.	

Absent—Excused

Colson.	Johnson
Hill of Brazoria.	of Dimmit.

#### RELATIVE TO SENATE BILL NO. 248

Mr. McClain moved to reconsider the vote by which Senate Bill No. 248 was passed to third reading, and asked to have the motion to reconsider spread on the Journal.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 33, Inviting Dr. A. W. McMillen to address a Joint Session of the Legislature on March 27, 1933, at 11:30 o'clock a. m.

S. C. R. No. 34, Relative to a portrait of Governor R. S. Sterling, to be placed in the rotunda of the Capitol.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

INVITING DR. A. W. McMILLEN  
TO ADDRESS THE LEGIS-  
LATURE

The Speaker, by unanimous consent, laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 33, Inviting Dr. A. W. McMillen to address the Legislature.

Whereas, Dr. A. W. McMillen, field representative of the Reconstruction Finance Corporation, in charge of the relief work in the State of Texas and five other contiguous States, is in Austin on official business; and

Whereas, It is highly advisable that the Members of the Legislature be advised of conditions and the work that is being done in this State; now, therefore, be it

Resolved by the Senate, the House concurring, That the Legislature meet in Joint Session at 11:30 a. m., this the twenty-seventh day of March, A. D. 1933, and that Dr. A. W. McMillen be invited to address the Legislature.

The resolution was read second time.

Mr. McGregor offered the following amendment to the resolution:

Amend Senate Concurrent Resolution No. 33, last paragraph, to read as follows:

"Be it resolved by the Senate, the House concurring, That the Legislature meet in Joint Session at 11:45

a. m., in the Hall of the House, this twenty-seventh day of March, A. D. 1933, etc."

The amendment was adopted.

The resolution as amended was then adopted.

EXTENDING CONGRATULATIONS  
OF THE HOUSE TO HON. AND  
MRS. MILAM STEPHEN  
MUNSON, JR.

Mr. Reed of Dallas offered the following resolution:

Whereas, On Monday, March 20, 1933, there arrived in the home of our esteemed fellow Member, Hon. Milam Stephen Munson, Jr., a bouncing baby boy, who has been named Milam Stephen Munson III;

Whereas, Our said fellow Member is slowly recovering his equilibrium, and is now able to return to his seat in this House; and

Whereas, The mother and said babe are both doing nicely; therefore, be it

Resolved by the House, That we extend our congratulations to Hon. and Mrs. Milam Stephen Munson, Jr., and also extend an invitation to our said fellow Member to address the House on the subject of "Fatherhood."

REED of Dallas,  
FAIN.

The resolution was read second time, and was adopted.

The Speaker announced the appointment of Mr. Reed of Dallas and Mr. Fain as a committee to escort Mr. Munson to the Speaker's stand.

Mr. Munson then addressed the House.

BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 168, "An Act making appropriations to pay salaries to judges, and for the support and maintenance of the Judicial Department of the State Government for the two (2) year period beginning September 1, 1933, and ending August 31, 1935; requiring all fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury, and that none of such fees be retained

by said clerks or officers as compensation for their services; prescribing certain rules and restrictions respecting the expenditure of appropriations made herein; repealing all laws in conflict herewith; declaring the invalidity of any portion of this Act shall not affect any other portion, and declaring an emergency."

S. B. No. 456, "An Act to be known as Article 4386-a, Revised Civil Statutes, 1925, providing for the issuance of warrants for United States postage stamps to be used by boards or departments of the State Government, and providing for the payment of such warrants irrespective of the serial number thereof or the priority of the issuance thereof; and declaring an emergency."

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 27, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 7, A bill to be entitled "An Act providing a uniform system of selecting the number and setting the salaries of deputies of the sheriff, county clerk, county attorney, district clerk, tax assessor, tax collector, district attorney, constables, and justices of the peace in precincts of more than fifty thousand inhabitants, etc., and declaring an emergency."

H. B. No. 236, A bill to be entitled "An Act to amend Section 1, Chapter 90, House Bill No. 610, Special Laws of the Forty-second Legislature, and declaring an emergency." (Relating to the protection of fish in Bosque County.)

H. B. No. 327, A bill to be entitled "An Act amending Chapter 69, of the Acts of the Forty-second Legislature, Regular Session, providing for the taking of catfish, perch, buffalo, and drum, in the waters of Delta, Hopkins, or Franklin Counties, by hand, or with a seine having meshes one inch square, and declaring an emergency." (With amendments.)

H. B. No. 339, A bill to be entitled "An Act to amend Acts of 1931, For-

ty-second Legislature, First Called Session, page 5, Chapter 3, known as Senate Bill No. 8, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties, and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this Act, and declaring an emergency."

H. B. No. 362, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Lamar County, except a seine or net of not less than two-inch square mesh; or a minnow seine for the purpose of taking bait; providing a penalty; and declaring an emergency."

H. B. No. 435, A bill to be entitled "An Act to amend Sections 11 and 12, of the Acts of 1927, Fortieth Legislature, page 26, Chapter 22, fixing the salary of the Judges of the County Courts at Law of Bexar County, Texas, at \$3,600, and fixing the maximum of the office of county judge at \$6,500, whether the duties are performed by one or more persons, and declaring an emergency." (With amendment.)

H. B. No. 441, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Cherokee County, except a seine or net of not less than three-inch square mesh, except during certain months, and excepting a minnow seine from the provisions of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 533, A bill to be entitled "An Act to prohibit the use of a steel trap for taking fur-bearing animals or the setting of any steel trap in Cherokee County, with certain exceptions; providing a penalty; repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 534, A bill to be entitled "An Act making it unlawful to shoot at or kill any wild deer or wild turkey in that portion of Burnet County north of the Colorado River; providing a penalty; and declaring an emergency."

H. B. No. 535, A bill to be entitled "An Act making it unlawful for any person to catch, or take, or attempt

to take or catch catfish of less length than nine (9) inches in Burnet County; providing a penalty; and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act providing for an open season for doves in Smith and Wood Counties, and repealing the Acts of 1930, Forty-first Legislature, Fourth Called Session, page 29, Chapter 19, and all other laws or parts of law in conflict herewith, in so far as they affect Smith and Wood Counties, Texas, and declaring an emergency."

H. B. No. 589, A bill to be entitled "An Act to make it unlawful to take or kill wild quail of any specie, for a period of five years, in Andrews County, Texas; fixing penalty; and declaring an emergency."

S. B. No. 391, A bill to be entitled "An Act permitting water improvement districts and water control and improvement districts to borrow from the Amortization and Emergency Fund within two years; to sell or hypothecate bonds and securities in which such Funds are invested, for the purpose of operating such districts; such Funds to be replaced within five years, with 5 per cent interest, and declaring an emergency."

The Senate has concurred in House amendments to Senate Concurrent Resolution No. 33, by a viva voce vote.

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### HOUSE BILL NO. 447 ON SECOND READING

On motion of Mr. Morse, by unanimous consent, the regular order of business was suspended to take up, and have placed on its second reading and passage to engrossment,

H. B. No. 447, A bill to be entitled "An Act defining 'public utilities,' and providing for their regulation; creating the Public Utilities Commission of this State, and fixing their qualifications and compensation, and prescribing their duties and powers and the manner in which the jurisdiction herein conferred shall be exercised; providing penalties for the violation of this Act, and for the repeal of all laws and parts of laws in conflict herewith."

The Speaker laid the bill before the House, and it was read second time.

Mr. Pope moved that the bill be laid on the table subject to call, and that all proposed amendments to the bill be printed in the Journal.

Question recurring on the motion by Mr. Pope, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 68; nays, 69.

Mr. Burns called for a verification of the vote:

The roll of the yeas and nays was then called, and the vote announced as follows:

#### Yeas—66

Adamson.	Hoskins.
Anderson	Huddleston.
of Johnson.	Hughes.
Baker.	Hunt.
Barrett.	Jones of Runnels.
Beck.	Jones of Shelby.
Bourne.	Lindsey.
Bradley.	Lotief.
Burns.	Magee.
Calvert.	Mackay.
Camp.	McClain.
Canon.	Merritt.
Caven.	Metcalfe.
Chastain.	Moffett.
Cowley.	Munson.
Crossley.	Palmer.
Daniel.	Pope.
Davidson.	Puryear.
Dean.	Ray.
Devall.	Reed of Bowie.
Engelhard.	Roberts.
Fain.	Rogers of Hunt.
Few.	Rogers
Fisher.	of Ochiltree.
Ford.	Ross.
Fuchs.	Stanfield.
Glass.	Sullivant.
Graves.	Tarwater.
Haag.	Thomas.
Harris.	Tillery.
Harrison.	Townsend.
Hicks.	Van Zandt.
Hodges.	Vaughan.
Holekamp.	Wood.

#### Nays—67

Aikin.	Dunlap.
Alexander.	Dunagan.
Alsup.	Duvall.
Barron.	Dwyer.
Butler.	Golson.
Cathey.	Good.
Clayton.	Goodman.
Coombes.	Greathouse.

Hankamer.	Mitcham.
Hartzog.	Moore.
Head.	Morse.
Hester.	Nicholson.
Hill of Webb.	Parkhouse.
Holland.	Patterson.
Holloway.	Ramsey.
Hyder.	Ratliff.
Jackson.	Reader.
James.	Reed of Dallas.
Jefferson.	Renfro.
Johnson	Riddle.
of Anderson.	Rollins.
Kayton.	Russell.
Kyle of Hays.	Scarborough.
Kyle of Palo Pinto.	Scott.
Laird.	Shults.
Latham.	Smith.
Lemens.	Steward.
Leonard.	Tennyson.
Long.	Turlington.
Mathis.	Wagstaff.
McCullough.	Walker.
McDougald.	Weinert.
McGregor.	Wells.
McKee.	Winningham.

Absent

Anderson	Pavlica.
of Bexar.	Savage.
Bedford.	Shannon.
Griffith.	Stinson.
Harman.	Stovall.
Jones of Atascosa.	West.
Morrison.	Young.

Absent—Excused

Colson.	Johnson
Hill of Brazoria.	of Dimmit.

The Speaker announced that the motion by Mr. Pope was lost.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 33, A bill to be entitled "An Act amending the provisions of Article 2968, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 128, Chapter 26, of the Fifth Called Session of the Forty-first Legislature, providing for the method and time of securing certificates of exemption by persons exempt under the law from payment of poll taxes, etc."

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

## ADDRESS BY DR. A. W. McMILLEN

In accordance with a resolution heretofore adopted, inviting the Hon. A. W. McMillen to address a Joint Session of the House and Senate, at 11:45 o'clock a. m., today, the Honorable Senate appeared at the Bar of the House, and, being admitted, were escorted to seats prepared for them along the aisle.

Lieutenant-Governor Edgar Witt, being invited, occupied a seat on the Speaker's stand.

Speaker Stevenson then presented Senator Walter Woodul, who, in turn, introduced Dr. A. W. McMillen.

Dr. McMillen then addressed the Joint Session.

## SENATE RETIRES

At 12:25 o'clock p. m., at the conclusion of the address, the Senate retired to its Chamber.

## SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 391, to the Committee on Conservation and Reclamation.

Senate Bill No. 33, to the Committee on Privileges, Suffrage, and Elections.

## RECESS

Mr. Morse moved that the House recess to 2 o'clock p. m., today.

Mr. Wells moved that the House recess to 2:30 o'clock p. m., today.

The motion of Mr. Morse prevailed, and the House, accordingly, at 12:30 o'clock p. m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

## HOUSE BILL NO. 447 ON PAS-SAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 447, relative to creating a Public Utilities Commission, on

its passage to engrossment; the bill having heretofore been read second time.

Mr. Goodman moved to reconsider the vote by which the motion, by Mr. Pope, to lay House Bill No. 447 on the table subject to call, was lost.

Mr. Mathis moved to table the motion to reconsider.

Question recurring on the motion to table, it prevailed by the following vote:

## Yeas—61

Aikin.	McCullough.
Alexander.	McDougald.
Barron.	McGregor.
Butler.	McKee.
Calvert.	Merritt.
Crossley.	Moore.
Dunlap.	Morse.
Dunagan.	Nicholson.
Dwyer.	Parkhouse.
Glass.	Pavlica.
Good.	Ramsey.
Hankamer.	Ratliff.
Hartzog.	Reader.
Head.	Reed of Dallas.
Hill of Webb.	Renfro.
Holekamp.	Rollins.
Holland.	Russell.
Holloway.	Scarborough.
Hughes.	Shannon.
Hyder.	Shults.
Jefferson.	Smith.
Johnson	Steward.
of Anderson.	Stinson.
Jones of Atascosa.	Tennyson.
Kyle of Hays.	Townsend.
Kyle of Palo Pinto.	Turlington.
Laird.	Wagstaff.
Latham.	Walker.
Long.	Weinert.
Mackay.	Wells.
Mathis.	Winningham.

## Nays—55

Adamson.	Fain.
Alsup.	Few.
Anderson	Fuchs.
of Johnson.	Golson.
Baker.	Goodman.
Barrett.	Graves.
Beck.	Haag.
Bourne.	Harris.
Bradley.	Hicks.
Burns.	Hodges.
Clayton.	Hoskins.
Canon.	Huddleston.
Chastain.	Hunt.
Cowley.	James.
Daniel.	Jones of Shelby.
Davidson.	Lindsey.
Dean.	Lotief.
Devall.	Magee.
Engelhard.	Metcalfe.

Moffett.	Stanfield.
Morrison.	Stovall.
Munson.	Sullivant.
Pope.	Tarwater.
Puryear.	Thomas.
Ray.	Van Zandt.
Reed of Bowie.	Vaughan.
Roberts.	West.
Rogers	Wood.
of Ochiltree.	

## Absent

Anderson	Jones of Runnels.
of Bexar.	Kayton.
Bedford.	Lemens.
Camp.	Leonard.
Cathey.	McClain.
Caven.	Mitcham.
Coombes.	Palmer.
Duvall.	Patterson.
Ford.	Riddle.
Greathouse.	Rogers of Hunt.
Griffith.	Ross.
Harman.	Savage.
Harrison.	Scott.
Hester.	Tillery.
Jackson.	Young.

## Absent—Excused

Colson.	Johnson
Fisher.	of Dimmit.
Hill of Brazoria.	

Mr. Calvert moved that further consideration of the bill be postponed until 10 o'clock a. m., Tuesday, April 4.

Mr. McCullough moved to table the motion to postpone the bill.

The roll of the House was called, and the vote announced as follows: Yeas, 62; nays, 61.

Mr. Pope called for a verification of the vote:

The roll of the yeas and nays was called, and the vote announced as follows:

## Yeas—61

Aikin.	Holloway.
Alsup.	Hyder.
Barron.	Jackson.
Butler.	Jefferson.
Clayton.	Kyle of Hays.
Crossley.	Kyle of Palo Pinto.
Dunlap.	Laird.
Dunagan.	Latham.
Engelhard.	Lemens.
Ford.	Leonard.
Good.	Long.
Griffith.	Mackay.
Hankamer.	Mathis.
Hartzog.	McCullough.
Hill of Webb.	McDougald.

McGregor.	Scarborough.
McKee.	Shannon.
Mitcham.	Shults.
Moore.	Smith.
Morse.	Steward.
Nicholson.	Stinson.
Parkhouse.	Tennyson.
Pavlica.	Townsend.
Ramsey.	Turlington.
Ratliff.	Wagstaff.
Ray.	Walker.
Reader.	Weinert.
Reed of Dallas.	West.
Renfro.	Winningham.
Rollins.	Wood.
Russell.	

## Nays—60

Adamson.	Holland.
Alexander.	Hoskins.
Anderson	Huddleston.
of Johnson.	Hughes.
Baker.	Hunt.
Barrett.	James.
Beck.	Johnson
Bourne.	of Anderson.
Bradley.	Jones of Shelby.
Burns.	Lindsey.
Calvert.	Lotief.
Canon.	Magee.
Chastain.	Merritt.
Cowley.	Metcalfe.
Daniel.	Moffett.
Davidson.	Morrison.
Dean.	Munson.
Devall.	Pope.
Fain.	Puryear.
Few.	Reed of Bowie.
Fuchs.	Roberts.
Glass.	Rogers of Hunt.
Golson.	Rogers
Goodman.	of Ochiltree.
Graves.	Stanfield.
Haag.	Tarwater.
Harris.	Thomas.
Harrison.	Tillery.
Head.	Van Zandt.
Hicks.	Vaughan.
Hodges.	Wells.
Holekamp.	

## Absent

Anderson	Jones of Runnels.
of Bexar.	Kayton.
Bedford.	McClain.
Camp.	Palmer.
Cathey.	Patterson.
Caven.	Riddle.
Coombes.	Ross.
Duvall.	Savage.
Dwyer.	Scott.
Greathouse.	Stovall.
Harman.	Sullivant.
Hester.	Young.
Jones of Atascosa.	

## Absent—Excused

Colson.	Johnson
Fisher.	of Dimmit.
Hill of Brazoria.	

The Speaker announced that the motion to table prevailed.

Mr. Morse offered the following committee amendment to the bill:

Amend House Bill No. 447 by striking out all below the enacting clause, and substituting in lieu thereof the following:

## Article 1

Section 1. (A) The term "corporation," when used in this Act, means a private corporation, an association, a joint stock association, or a business trust.

(B) The term "person," when used in this Act, means a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined.

(C) The term "public utility," or "utility," when used in this Act, includes persons and corporations, or their lessees, trustees, and receivers, now or hereafter owning or operating, in this State, any wires, pole lines, conduit lines, wells, pipe lines, plant, property, equipment, facility, franchise license or permit, or either one or more of the following kinds of business:

1. Producing, manufacturing, or obtaining, transporting, conveying, distributing, or delivering gas—and by "gas," as used in this Act, is meant natural gas, artificial gas, mixed gas, either or all—for public use or service for compensation.

(a) For sale to the public, or municipalities, or persons, or corporations, in those cases to which reference is hereafter made, engaged in distributing or selling natural gas to the public, for sale or delivery of gas to any person, or firm, or corporation operating under franchise or a contract with any municipality, or other legal subdivision of this State, or for sale or delivery of gas to the public for domestic or other use.

(b) Owning, leasing, or operating a pipe line for the transportation or carriage of gas, whether for public

hire or not, if any part of the right of way for said line has been acquired, or may hereafter be acquired, by the exercise of the right of eminent domain, or if said line, or any part thereof, is laid upon, over, or under any public road or highway of the State, or street or alley of any municipality, or the right of way of any railroad or other public utility, including also any gas utility, authorized by law, to exercise the right of eminent domain.

(c) Producing or purchasing gas and transporting, or causing the same to be transported, by pipe line, to, into, or near the limits of any municipality in which said gas is received, or distributed, or sold to the public by the public utility, another public utility, or by said municipality.

2. Producing, generating, transmitting, conveying, distributing, or delivering electricity for the production of light, heat, or power for public use or service for compensation.

(a) For sale to the public, or to municipalities, or persons, or corporations, in cases to which reference is hereinafter made, engaged in distributing or selling electricity to the public, for sale or delivery of electricity to any person, or firm, or corporation, operating under franchise or a contract with any municipality, or other legal subdivision of this State, or for sale or delivery of electricity to the public for domestic or other use.

(b) Owning, leasing, operating, or using a transmission line, wires, conduits, or other appurtenances for the transportation, carriage, or transmission of electricity, whether for public hire or not, if any part of the right of way for said transmission line has been acquired, or may hereafter be acquired, by the exercise of the right of eminent domain, or if said line, or any part thereof, is laid upon, over, or under any public road or highway of this State, or street or alley of any municipality, or the right of way of any railroad or other public utility, including any other utility authorized by law to exercise the right of eminent domain.

(c) Producing or purchasing electric current, and transmitting, delivering, or causing same to be transported or delivered, by wires, conduit line, or other appurtenances, to, into,

or near the limits of a municipality in which said electricity is received and distributed, or sold to the public by the public utility, another public utility, or by said municipality.

3. Conveying, carrying, or transmitting message, conversation, or communications by telephone or telegraph, where such service is offered to the public for compensation.

(a) Owning, leasing, operating, or using wire lines, or conduit lines, or other appurtenances for conveying or transmitting messages, conversations, or communications by telephone or telegraph, whether for public hire or not, if any part of the right of way for said lines has been acquired, or may hereafter be acquired, by the exercise of the right of eminent domain, or otherwise, or if said lines, or any part thereof, is laid upon, over, or under any public road or highway of this State, or street or alley of any municipality, or the right of way of any railroad or other public utility, including also any utility authorized by law to exercise the right of eminent domain.

(b) Owning, leasing, operating, or using wires, or lines, or conduit lines for the purpose of carrying, conveying, or transmitting, by telephone or telegraph, messages, conversations, or communications in, into, or near the limits of any municipality in which said messages, conversations, or communications are received and transmitted, or conveyed to the public by the public utility, or by another public utility, or by said municipality.

(d) The above definitions are cumulative only, and not exclusive, any person, except a municipal corporation, engaged in any phase of the gas, electric power, electric light, telephone, or telegraph business, any one or more of such businesses, in such manner as to be affected with a public interest, is declared to be a public utility, and subject to all the provisions of this Act.

(e) The term "public utility" shall, for rate-making purposes only, include any person as hereinbefore defined, producing, generating, or furnishing any of the foregoing services to another person for distribution to or for the public for compensation.

(f) The term "public utility" shall not include a municipality, or any person not otherwise a public utility, who, without occupying or making use of any street, alley, or public thorough-

fare, furnishes the service or commodity to himself, employes, or tenants; provided such service or commodity is not resold or used by others than such employes or tenants.

(g) The term "rate," when used in this Act, means and includes every compensation, charge, fare, rental, toll, and classification, or any of them, demanded, observed, charged, or collected by any public utility for any service, product, or commodity offered by it to the public, or other public utility, and any rules, regulations, practices, or contracts affecting any such compensation, charge, fare, toll, rental, or classification. Every rate made, demanded, or received by any public utility, or by two or more public utilities, jointly, shall be just and reasonable, and every public utility shall furnish adequate, efficient, and reasonable service.

(h) The word "Commission," when used in this Act, shall refer to the Public Utilities Commission of this State, unless otherwise indicated.

Sec. 2. The business and properties of any public utility, other than of the character defined in the preceding paragraphs of this Article, are not subject to the provisions of this Act.

## Article 2

Section 1. A Commission, to be known as the "Public Utilities Commission of Texas," is hereby created. At the next general election after this Act shall become effective, there shall be elected one Commissioner, who shall serve for a period of two years, and one Commissioner shall be elected, who shall serve for a period of four years, and one Commissioner shall be elected, who shall serve for a period of six years. At the expiration of the above terms, there shall be elected biennially, at each general election, one Commissioner, who shall serve for a term of six years. Immediately after this Act shall become effective, the Governor shall, with the approval of the Senate, appoint the three members of said Commission. The terms of office of the elective Commissioners shall begin on January 1, 1935, and the terms of office of the appointed Commissioners shall expire on January 1, 1935. The members of said Commission shall, by a majority vote, elect one member chairman of the Commission. The members shall be resident citizens of this

State, and qualified voters under the Constitution and laws, and not less than thirty years of age.

Sec. 2. Before entering upon the duties of his office, each Commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear that he is not pecuniarily interested, directly or indirectly, in any public utility, as herein defined, as employe, stockholder, security holder, or bond holder, and if any such Commissioner thereafter becomes thus pecuniarily interested in any public utility, he shall be subject to removal by the Governor, and no Commissioner shall be eligible to hold any other public office for two years after he has ceased to be a member of such Commission.

Sec. 3. Whenever a vacancy in the office of Commissioner occurs, it shall be filled by appointment of the Governor, with the approval of the Senate, and any person appointed to fill a vacancy shall hold office during the unexpired portion of the term.

Sec. 4. The Commission shall appoint a secretary, who shall hold office during its pleasure. It shall be the duty of the secretary to keep a full and true record of all proceedings of the Commission, and to perform such duties as the Commission may prescribe.

Sec. 5. For the performance of the Commission's duties relative to public utilities, it may appoint, employ, or remove such engineers, accountants, statisticians, assistants, inspectors, clerks, examiners, and such subordinates as are required therefor, and may appoint, on such terms as it may deem advisable, counsel and attorneys who are specially skilled in rate matters, and such counsel and attorneys shall advise the Commission, and represent it in all litigation and court proceedings under the direction of the Attorney General of Texas. The accountants employed by such Commission shall be skilled in the methods of utility accounting, and, under the direction of the Commission, shall supervise the methods by which the accounts of the public utilities are kept in this State. The examiners employed by the Commission may administer oaths, examine witnesses, and take evidence under such rules and regulations as the Commission may adopt.

Sec. 6. The annual salary of each Commissioner shall be \$6,000. Examiners, attorneys, experts, engineers, statisticians, accountants, inspectors, clerks, and other employes of the Commission shall receive such compensation as may be fixed by law, otherwise such compensation shall be fixed by the Commission.

Sec. 7. The salary or compensation of the Commissioners, and every person employed by the Commission, together with all expenses incurred by the Commission, pursuant to the provisions of this Act, including the actual and necessary traveling and other expenses of the Commissioners, and those employed by the Commission, shall be paid from the funds appropriated for the use of the Commission and other available revenues, such payments to be made as the salaries, compensation, and expenses of other State officers and employes are paid.

Sec. 8. The principal office of the Commission shall be in the City of Austin, and shall be open daily during usual business hours, Sundays and legal holidays excepted. The Commission shall hold meetings at its principal office, and at such other convenient places in the State as may be expedient or necessary for the proper performance of its duties.

Sec. 9. The Commission shall have a seal bearing the following inscription: "Public Utilities Commission of Texas." The seal shall be affixed to all authentications of copies of records, and to such other instruments as the Commission shall direct. All courts of this State shall take judicial notice of said seal.

Sec. 10. A majority of the Commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Commission. No vacancy in the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission. The act of a majority of the Commissioners shall be the act of the Commission; but any investigation, inquiry, or hearing, which the Commission has power to undertake or hold, may be undertaken, or held by, or before any Commissioner or Commissioners, or examiner designated for the purpose by the Commission.

The evidence in any investigation, inquiry, or hearing may be taken by the Commissioner, or Commissioners, or examiner to whom such investigation, inquiry, or hearing has been assigned. Every finding, opinion, and order made by the Commissioner or Commissioners, so assigned, pursuant to such investigation, inquiry, or hearing, when approved or confirmed by the Commission, shall be the finding, opinion, and order of the Commission.

Sec. 11. All decisions and orders of the Commission shall be public records. The Commission shall make and submit to the Governor, on or before the first day of January of each year, a report, containing a full and complete account of its transactions and proceedings for the preceding fiscal year, together with such other facts, suggestions, and recommendations as it may deem of value to the people of the State.

### Article 3

Section 1. Every rate made, demanded, or received by any public utility, or by any two or more public utilities, jointly, shall be just and reasonable.

Sec. 2. Every public utility shall furnish adequate, efficient, and reasonable service.

Sec. 3. Under such rules and regulations as the Commission may prescribe, every public utility, as herein defined, shall file with the Commission, within such time and in such form as the Commission may designate, schedules showing the rates being charged by such utilities. The utility shall keep copies of such schedules open for public inspection, under such rules and regulations as the Commission may prescribe.

Sec. 4. No public utility shall, directly or indirectly, by any device whatsoever, or in anywise, charge, demand, collect, or receive from any person a greater or less compensation for any service rendered, or to be rendered, by such public utility, than that prescribed in the schedule of such public utility, applicable thereto, when filed in the manner provided in this Act, nor shall any person receive or accept any service from a public utility for a compensation greater or less than that prescribed in such schedules.

Sec. 5. No public utility shall, as to rate or services, make or grant any unreasonable preference or advantages to any corporation or person, or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates between classes of service. The Commission may determine any question of fact arising under this Section.

Sec. 6. Every utility described in this Act is hereby declared to be engaged in a business that it affected with a public interest, and is subject to the jurisdiction, control, and regulation of the Public Utilities Commission in accordance with the provisions of this Act.

Sec. 7. For the purpose of regulating the rates and services rendered, and to be rendered by them, so that such rates and services may be just, reasonable, adequate, and efficient, original jurisdiction of all public utilities, as herein defined, owning, leasing, operating, or controlling any wires, lines, pole lines, conduit lines, pipe lines, wells, plants, property, equipment, or facilities of any kind or character, used for the purpose of conducting the business of such utility, in this State, which under the laws of this State, or the charters of any incorporated city or town heretofore or hereafter adopted pursuant to law, or subject to the regulatory jurisdiction of such incorporated city or town, is hereby expressly granted and reserved to such cities and towns, and nothing in this Act shall be construed as qualifying, impairing, or destroying such jurisdiction, or as conferring upon the Commission any jurisdiction, control, or supervision over the properties and operations of such utility within the original jurisdiction of such cities and towns, save and except as is expressly provided in the succeeding Section 8 of this Article.

Sec. 8. The appellate jurisdiction of the Commission shall extend to and include all public utilities subject to the provisions of this Act, owning, managing, operating, leasing, using, or controlling pole lines, transmission lines, wells, pipe lines, plants, property, equipment, and facilities of every kind and character, in all cases where original jurisdiction is not given herein.

Sec. 9. The Commission shall have original jurisdiction of all public utilities owning, operating, leasing, or using pole lines, transmission lines, wells, pipe lines, plants, property, equipment, and facilities of every kind and character, used for the purpose of conducting the business of such a utility in this State, which properties and operations are not subject to the original jurisdiction of the incorporated cities and towns of this State as defined and provided in the preceding Section of this Article.

Sec. 10. Subject to the provisions of this Act, and within the limits of the jurisdiction therein expressly conferred, the Commission, after due notice to the municipality or municipalities, and to the utility affected, and after due hearing, may fix, and establish, and enforce the adequate and reasonable price of the commodities furnished by public utilities, and fair and reasonable rates of charge, and regulations for transmitting, carrying, conveying, producing, transporting, distributing, buying, selling, and delivering such commodities by such utilities in this State; and shall establish fair and equitable rules and regulations for the full control and supervision of all wire lines, pole lines, transmission lines, wells, pipe lines, plants, property, equipment, and facilities of every kind and character, situated outside of the corporate limits of incorporated towns and cities in the State of Texas, together with all the holdings pertaining to the business conducted by such utility in all of its relations to the public as the Commission may from time to time deem proper; and the said Commission is hereby directed, and it shall become its duty, as soon as possible after it begins to function, to establish a fair and equitable division of the proceeds of the sale of the commodities or communications, and the companies distributing or selling such commodities directly to patrons, or other persons or companies, to be distributed to individual consumers; and it shall become the duty of the Commission, immediately after it is organized, to prescribe and enforce rules and regulations for the government and control of such transmission lines, pipe lines, and other property used by the various utilities, herein described, in producing, receiving, transmitting, and

distributing their various commodities; and when it shall appear that the supply of such commodities, and particularly in those instances when such commodities are used by domestic consumers, is inadequate, the Commission shall prescribe fair and reasonable rules and regulations, requiring such utilities to augment their supply of such commodities and products, when in the judgment of the Commission it would be practicable for them to do so; and in cases of emergency, resulting in a shortage of such commodities or service, to apportion the supply between the consumers, or the several classes of consumers, in any town or towns, or in any city or cities, served by the utility, using such commodities or service; but nothing herein shall be so construed as to authorize the Commission to require that one utility shall make its equipment, facilities, commodities, or service available to another utility or municipality engaged in the same business. And the Commission shall exercise its powers, whether upon its own motion, or upon the petition of any municipal corporation, county or commissioners court, showing a substantial interest therein, or upon the petition of the Attorney General, or of any city, county, or district attorney in any county or district, or any part thereof, where such business may be carried on; and it may exercise such powers upon the petition of twenty-five (25) or more consumers or customers, upon such terms and conditions and under such rules and regulations as it may prescribe.

Sec. 11. When the governing body of any incorporated city has ordered any existing rate reduced (or has refused an application for an increase), the utility affected by such order may appeal to the Commission by filing with it, on such terms and conditions as the Commission may direct, a petition and bond to review the decision, regulation, ordinance, or order of the city, town, or municipality. Upon such appeal being taken, the Commission shall set a hearing, and make such order or decision in regard to the matter involved therein as it may deem just and reasonable. The Commission shall hear such appeal de novo, and shall have the power to change, alter, or modify the existing rate or rates, and to substitute an entirely new rate structure there-

for, and to make such other and further orders as may be consistent with fair and reasonable rates to be charged patrons of such utility in such municipality for the commodity furnished or rendered. The Commission may, immediately after it has acquired jurisdiction of the appeal, suspend the existing rate, and establish a temporary rate or rates, if the circumstances and facts in the case should warrant such action by the Commission. The Commission shall consider and act on an application for a suspension of such rate or rates, and establishment of a temporary rate or rates, as soon after it is filed as practicable, and a failure or refusal to act on such application within a period of thirty days from date of filing shall constitute a denial of such application and a refusal to establish such temporary rate or rates. Whenever any utility, subject to the original jurisdiction of any municipal government, desires a change of any of its rates, rentals, or charges within such jurisdiction, it shall make its application to such municipal government, and such government shall determine said application within a reasonable time, and not to exceed sixty days after presentation, unless the determination thereof may be longer deferred by agreement. If the municipal government should reject such application, or fail or refuse to act on it within said time, then the utility may appeal to the Commission as hereinabove provided. If, however, after perfecting its appeal, in the manner herein provided, from the order of the governing body of any incorporated city reducing rates, the utility shall file with the Commission a good and sufficient bond payable to the Commission, conditioned that it will pay, for the use and benefit of its patrons, a sum equivalent to the difference between the aggregate of all sums collected under such rate or rates and the aggregate of all sums that could have been collected under the rate or rates finally determined to be just and proper, such utility shall be authorized and permitted to charge and collect the rate or rates sought to be reduced, pending a final determination of the matters on such appeal. The utility shall keep a strict account of all excess rates collected, and make report thereof to the Commission, as required by the Commission, and, upon final determination

of the hearing, the Commission or court, finally determining said matter, may order distribution of any excess rates so collected, and may require the utility to turn over to the municipality affected thereby a sum of money sufficient to reimburse the patrons for excess rates paid. Payment of such sum shall discharge the liability of the utility and its sureties under such bond, and the city alone shall be responsible for the distribution of such excess; provided, that any excess, not claimed by any patron or patrons within two years after payment to the city, shall become a part of the general funds of the city. Said Commission shall determine the matters involved in any such appeal as soon as practicable after the filing of such appeal, and in the absence of such bond, the rates fixed by the municipal government shall remain in full force and effect until ordered changed or altered, as hereinabove provided. In all rate hearings, under this Section, the burden of proof shall be upon the utility.

Sec. 12. If any utility, municipality, or other party to the proceeding be dissatisfied with the decision of any rate, classification, rule, charge, order, act, or regulation adopted by the Commission, such dissatisfied utility or party may file a petition in the District Court of Travis County, Texas. Such appeal shall be perfected within sixty days from the date of the order of the Commission. Said action shall have precedence on the docket over all other causes of a different nature, and said case shall be tried in the same manner as all other civil cases. Either party to said action may have the right of appeal, and said appeal shall be at once returnable to the Court of Civil Appeals' jurisdiction, and said appeal shall have precedence in said Appellate Court over all causes of a different character therein pending. If the Court be in session at the time such right of action accrues, the suit may be filed during such term, and stand ready for trial after ten days' notice.

Sec. 13. Every utility, as defined herein, shall have and maintain an office in this State, and shall keep in said office all books, accounts, papers, records, vouchers, and receipts which the Commission shall require. No books, accounts, papers, records, receipts, vouchers, or other data re-

quired by the Commission to be so kept, shall be at any time removed from this State, except upon such condition as the Commission may prescribe.

Sec. 14. All orders and agreements of any company, or corporation, or any person, or persons controlling utilities, as herein defined, establishing and prescribing prices, rates, rules, and regulations, and conditions of service, shall be subject to review, revision, and regulation by the Commission on hearing after notice, as provided for herein, to the person, firm, corporation, partnership, or joint stock association owning, or controlling, or operating the utility affected.

Sec. 15. No public utility shall unreasonably discriminate in favor of or against any person, place, or corporation, either in apportioning the supply of its commodities or its charges therefor. Any public utility coming under the provisions of this Act, failing or refusing to subject itself to the jurisdiction of the Commission, as provided in this Act, and failing or refusing to obey any order of said Commission legally promulgated hereunder, after reasonable notice and opportunity so to do, shall be liable to a penalty, as hereinafter provided, unless the jurisdiction of said Commission or the validity of such order shall be questioned by such utility in a bona fide legal proceeding filed in a court of competent jurisdiction.

Sec. 16. No municipality created under the laws of this State shall engage in the business of a public utility, if, at the time it seeks to engage in such business, such municipality and its inhabitants are being reasonably supplied with a like service, at rates fixed, as herein provided, and by means of reasonably adequate existing facilities, constructed, maintained, and operated under a franchise previously granted by such municipality, or with its knowledge and consent, unless it shall first acquire the plants, properties, equipment, and facilities of the utility or utilities rendering such service in such municipality, and pay therefor a just compensation. If such compensation can not be agreed upon by such municipality and such utility or utilities, the amount thereof shall be determined by the Commission after a hearing, of which all persons in-

terested shall have reasonable notice; and if the utility or utilities, owning such facilities, shall fail or refuse, upon payment, or tender of payment, by the municipality, or the compensation finally fixed and determined to be just and proper, to transfer and deliver such facilities to such municipality, the municipality shall have the right to purchase, maintain, and operate such other facilities as it may deem necessary or proper, as well as the right to acquire by condemnation so much of the facilities, both real, personal, and mixed, owned and operated by such utility or utilities, as it may desire. In acquiring the facilities of such utility or utilities, the rules governing procedure and damages shall be followed as provided by law under the title of "Eminent Domain."

#### Article 4

Section 1. Within the limits of the jurisdiction herein expressly conferred, the Commission may, after hearing upon reasonable notice and upon its own motion or complaint, ascertain and fix just and reasonable standards, classifications, regulations, practices, or service to be furnished, imposed, observed, and followed by any and all public utilities; ascertain and fix adequate and reasonable standards for the measurement of quantity, quality, pressure, initial voltage, or other condition, pertaining to the supply of the product, commodity, or service furnished or rendered by any and all public utilities; prescribe reasonable regulations for examination and testing of such products, commodity, or service, and for the measurement thereof; establish or approve reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurement; and provide for the examinations and testing of any and all appliances used for measurement of product, commodity, or service of any utility.

Sec. 2. The Commission may, on hearing after reasonable notice, ascertain and fix the value of the whole, or any part, of the property of any public utility, in so far as the same is material to the exercise of the jurisdiction of the Commission, and may make revaluations from time to time, and ascertain the value of all new

construction, extensions, and additions to the property of every public utility.

Sec. 3. The Commission may establish a system of accounts to be kept by the public utilities, subject to its jurisdiction, or may classify said public utilities, and establish a system of accounts for each class, and prescribe the manner in which such accounts shall be kept. In any case where a utility is required by general regulation to keep its books or accounts in some particular form or manner, such practice may be continued, and compliance with such regulation shall be deemed a compliance with similar requirements contained in this Act or in regulations of the Commission.

Sec. 4. The Commissioners, and the officers, and employees of the Commission may, during all reasonable hours, enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests, and exercising any power provided for in this Act, and may set up and use on such premises any apparatus and appliances necessary therefor. Such public utility shall have the right to be represented at the making of such examination, tests, and inspections.

Sec. 5. The Commission may require any public utility to file annual reports in such form and of such content as the Commission may require, and special reports concerning any matter about which the Commission is authorized to inquire, or to keep itself informed, or which it is required to enforce. All reports shall be under oath when required by the Commission.

Sec. 6. The Commission may, on its own motion, and whenever it may be necessary in the performance of its duties, investigate and examine the condition and management of public utilities, or any particular utility. In conducting such investigations, the Commission may proceed, either with or without a hearing, as it may deem best, but it shall make no order without affording the parties affected thereby a hearing.

Sec. 7. The Commission may, in addition to the hearings specially provided for by this Act, conduct such hearings as may be required in the

administration of the powers and duties conferred upon it by this Act, and by other Acts relating to public utilities. Reasonable notice of all such hearings shall be given the persons interested therein.

Sec. 8. All hearings, investigations, and proceedings shall be governed by this Act, and by rules of practice and procedure to be adopted by the Commission.

Sec. 9. The Commission, and each Commissioner, may issue subpoenas, subpoenas duces tecum, and all necessary processes in proceedings pending before it, and such processes shall extend to all parts of the State, and may be served by any person authorized to serve process of courts of record.

Sec. 10. The Commission, and each of the Commissioners, for the purpose mentioned in this Act, may administer oaths, examine witnesses, and certify official acts, in case of failure on the part of any person or persons to comply with any lawful order of the Commission, or any Commissioner, or with any subpoena or subpoena duces tecum, or in the case of the refusal of any witness to testify concerning any matter on which he may be interrogated lawfully, any court of record of general jurisdiction, or judge thereof, may, on application of the Commission, or of any Commissioner, compel obedience of the requirements of a subpoena issued from such court, or a refusal to testify therein.

Sec. 11. The Commission, or any Commissioner, or any party to the proceedings, may, in any investigation or hearing before the Commission, cause the deposition of witnesses residing within or without the State, to be taken, in the manner prescribed by law for taking depositions in civil actions.

Sec. 12. No person shall be excused from testifying or from producing any book, document, paper, or account in any investigation, or inquiry by, or hearing before, the Commission, or any Commissioner, when ordered to do so, upon the ground that the testimony, or evidence, book, document, paper, or account, required of him, may tend to incriminate him, or subject him to penalty or forfeiture; but no person shall be prosecuted, punished, or subjected to any forfeit-

ure or penalty for or on account of any act, transaction, matter, or thing concerning which he shall have been compelled, under oath, to testify or produce documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Sec. 13. Copies of official documents and orders filed or deposited according to law in the office of the Commission, certified by a Commissioner or by the Secretary, under the official seal of the Commission, to be true copies of the original, shall be evidenced in like manner as the original, in all matters and proceedings where the originals would be evidence.

Sec. 14. Every order, finding, authorization, or certificate, issued or approved by the Commissioners under any provisions of this Act, shall be in writing, and entered on the records of the Commission. A certificate, under the seal of the Commission, that any such order, finding, authorization, or certificate has not been modified, stayed, or suspended, or revoked, shall be received as evidence in any proceedings as to the facts therein stated.

Sec. 15. Witnesses who are summoned before the Commission shall be paid the same fees and mileage as are paid to witnesses in the court of record of general jurisdiction. Witnesses, whose depositions are taken pursuant to the provisions of this Act, and the officer taking the same, shall be entitled to the same fees as are paid for like services in such courts.

Sec. 16. The Commission, any Commissioner, or any person employed by the Commission for that purpose, may, at any and all times, during reasonable hours, inspect the accounts, books, papers, and documents of any public utility, and have copies thereof. Any person, other than a Commissioner, demanding such inspection, shall produce, under the seal of the Commission, his authority to make such inspection.

Sec. 17. The Commission may require, by order served on any public utility, in the manner provided herein for the service of orders, the production, within this State, at such time and place as it may designate, of any books, accounts, papers, or records of the public utility, relating to its busi-

ness or affairs within the State, pertinent to any lawful inquiry, and kept by said public utility in any office or place without this State; or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the Commission, or under its direction.

Sec. 18. The Commission, on its own motion, or any person having an interest in the subject matter, including any utility concerned, may complain in writing, setting forth any act or thing done, or omitted to be done, by any public utility, in violation, or claimed violation, of any law which the Commission has jurisdiction to administer, or any law or rule of the Commission.

Sec. 19. Upon the filing of a complaint, the Commission shall cause a copy thereof to be served upon the person complained of. Service in all hearings, investigations, and proceedings pending before the Commission may be made personally, or by registered mail, as the Commission may direct.

Sec. 20. The Commission shall fix the time and place of hearing, if any is required, and shall serve notice thereof, not less than twenty (20) days before the time set for such hearing, unless the Commission shall find that public necessity required that such hearing be held at an earlier date. The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest, or for the protection of substantial rights.

Sec. 21. At the time fixed for any hearing before the Commission, or a Commissioner, or an examiner, or the time to which the same may have been continued, the complainant and the person complained of shall be entitled, in person or by attorney, to be heard and to introduce evidence.

Sec. 22. After the conclusions of the hearing, the Commission shall make and file its findings and order, with its opinion, if any. Its findings shall be in sufficient detail to enable the court, on appeal, to determine the controverted questions presented by the proceeding, and whether proper weight was given to the evidence. A copy of such order, certified under the seal of the Commission, shall be served upon the person against whom

it runs, or his attorney, and notice thereof shall be given to the other parties to the proceedings or their attorneys. Said order shall take effect, and become operative twenty (20) days after the service thereof, unless otherwise provided, and shall continue in force, either for a period which may be designated therein or until changed or revoked by the Commission. If an order cannot, in the judgment of the Commission, be complied with within twenty (20) days, the Commission may grant and prescribe such additional time as, in its judgment, is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order.

Sec. 23. A full and complete record shall be kept of all proceedings had before the Commission, or any Commissioner, on any formal hearings, and all testimony shall be taken down by a reporter appointed by the Commissioners, and the parties shall be entitled to be heard in person or by attorney.

Sec. 24. After an order or decision has been made by the Commission, any party to the proceedings may, within ten (10) days after the entry of the order or decision, apply for a rehearing in respect of any matters determined in said proceedings, and specified in the application for rehearing, and the Commission may grant and hold such rehearing on said matters.

The Commission shall either grant or refuse an application for rehearing within twenty (20) days; and a failure by the Commission to act upon such application within that period shall be deemed a refusal thereof. If the application be granted, the Commission's order shall be deemed vacated, and the Commission shall enter a new order after the rehearing shall have been concluded.

## Article 5

Section 1. Any person or corporation which violated any provision of this Act, which fails, omits, or neglects to obey, observe, or comply with any lawful order, or any part or provision thereof, of the Commission, is subject to a penalty of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), for each offense.

Sec. 2. In construing and enforcing the provisions of this Act relating to penalties, the act, omission, or failure of any official, agent, or employe of any corporation or person, acting within the scope of his official duties or employment, shall, in every case, be deemed to be also the act, omission, or failure of such corporation or person.

Sec. 3. Every violation of the provisions of this Act, or of any lawful order of the Commission, or any part or portion thereof, by any corporation or person, is a separate and distinct offense, and in case of a continuing violation after a first conviction, each day's continuance thereof shall be deemed to be a separate and distinct offense.

Sec. 4. All penalties accruing under this Act shall be cumulative, and a suit for the recovery of one penalty shall not be a bar to, or affect the recovery of, any other penalty or forfeiture, or be a bar to any criminal prosecution against any public utility, or any official, director, agent, or employe thereof, or any other corporation or person.

Sec. 5. Actions to recover penalties under this Act shall be brought in the name of the State of Texas in any court of competent jurisdiction.

#### Article 6

Section 1. The rates and service of any public service plant, property, or facilities now owned or operated, or that shall hereafter be acquired, as hereinabove provided, and owned and operated by municipalities, shall not be subject to the jurisdiction, regulation, or control of the Commission; and this Act shall never be so construed as to authorize or empower the Commission, in the exercise of either its original or appellate jurisdiction, to alter, change, modify, or annul any franchise, contract, or agreement, or any provision thereof, heretofore granted, made, or entered into, or which might hereafter be granted, made, or entered into, by and between a municipality, having original jurisdiction over public utilities, as hereinbefore defined, and a utility subject to such jurisdiction; and nothing herein shall be so construed as to deprive municipalities of this State of the right, power, and authority, now conferred by statutes

or charters, to grant franchises, or to make and enter into contracts and agreements with public utilities, upon such terms and conditions as such municipalities may prescribe.

Sec. 2. Every public utility, as defined in this Act, which, under the provisions hereof, is subject to either original or appellate jurisdiction of said Commission, shall, on or before the first day of July next after this Act shall take effect, and quarterly hereafter, file with the Commission a statement, duly verified under oath, as true and correct by the president, treasurer, general manager, or other duly authorized officer of such utility, showing the gross receipts of such utility from its business within this State for the quarter ending month prior to the date of such filing, and at the time such statement is filed, shall pay to the State Treasurer at Austin a sum equal to one-fourth of one per cent of the gross receipts above defined during said quarter. Said fund shall be credited to the Utilities Fund by the State Treasurer, and shall be paid on warrants of the Comptroller on orders or vouchers approved by the Commission. Such funds shall be used to pay the salaries of the Commissioners and other salaries and expenses approved by the Commission, as herein provided.

Sec. 3. Any incorporated city or town having regulatory jurisdiction may invoke the assistance and facilities of the Commission in determining and fixing rates whenever deemed necessary or proper.

Sec. 4. No corporation, except one chartered under the laws of Texas, or having a permit to do business in Texas, shall be authorized or permitted to construct, build, operate, acquire, own, or maintain any public utility within this State.

Sec. 5. Every public utility operating in this State shall keep and maintain permanently its general office in this State.

Sec. 6. All books, records, and other documents, in any way relating to the business or property of every utility operating in this State, shall be kept at the general office of such utility in Texas, and they shall be kept open for inspection and examination by the Commission or its agent.

## Article 7

Section 1. Neither this Act, nor any provision thereof, shall apply, or be construed to apply, to commerce with foreign nations, or commerce among the several States of this Union, except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Sec. 2. If any part of this Act is decided to be unconstitutional and void, such decision shall not affect the validity of the remaining parts of this Act, unless the part held void is indispensable to the operation of the remaining parts. The Legislature hereby declares that it would have passed those parts of this Act which are valid, and omitted any parts which may be unconstitutional, if it had been advised of such unconstitutionality at the time of the passage of this Act.

Sec. 3. This Act may be cited as the "Public Utilities Act."

Sec. 4. This Act shall be so interpreted and construed as to effectuate its general purpose. All existing statutes covering the matters embraced in this Act are hereby repealed; and all Acts, and parts of Acts, now in effect, which are inconsistent with the provisions of this Act, are hereby repealed, but no law, now or hereafter enacted, requiring reports to be filed with other State, county, or municipal officers or bodies, which are not required by the provisions of the Act, or may not be required by the rules and regulations of the Commission, to be filed with the Commission, shall be repealed or affected hereby.

## Article 8

This Act shall take effect from and after ninety (90) days after the adjournment of the session of the Legislature at which same is enacted.

Mr. Morse offered the following amendment to the committee amendment:

Amend the committee amendment No. 1 to House Bill No. 447 by adding Section 12-a to Article 3, reading as follows:

## "Article 3

"Section 12-a. Whenever the Commission shall make a decision and enter a decree or order reducing the rates which are being charged by a utility,

and the utility appeals under the provisions hereof, it shall have the right to suspend and supersede the judgment and reducing its rates pending an appeal from such judgment, and appeal by giving bond in the manner and under the terms and conditions as provided in Section 11, Article 3, hereof. And all the provisions of said Section, with reference to said bond, and the rights and remedies thereunder, shall apply to such bond, so given to supersede the judgment or decree of the Commission."

The amendment was adopted.

Mr. Morse offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 447, by striking out Section 3, Article 6, and substituting in lieu thereof the following:

## "Article 6

"Section 3. Any incorporated city or town, having regulatory jurisdiction, may invoke the assistance and facilities of the Commission in determining and fixing rates whenever deemed necessary or proper. The desire of such city or town to invoke the assistance and facilities of the Commission in determining and fixing the rates of any particular utility serving such city or town shall be evidenced by an ordinance duly passed by its governing body relinquishing to the Commission the jurisdiction herein granted and reserved to such city or town to determine and fix the rates of such utility, and thereafter said Commission shall proceed to determine and fix such rates in the same manner as it would proceed in cases of which it had original jurisdiction under the provisions hereof. Provided, such relinquishment of jurisdiction shall be limited to the particular controversy with such utility in which the assistance and facilities of the Commission is invoked, and shall terminate when a final order shall have been entered therein."

The amendment was adopted.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 447, page 1, line 25, by adding at the end of said line, the following: "And does not include a municipal corporation."

The amendment was adopted.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 447, page 7, line 21, by adding after the word "utilities," in the said line, the following: "And the valuation on which such rates are based."

Mr. Hill of Webb moved to table the amendment by Mr. Vaughan, and the motion to table was lost.

Question then recurring on the amendment by Mr. Vaughan, it was adopted.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 447, page 9, line 11, by adding after the word "character," in said line, the following: "Not owned, operated, or supplied by a municipality."

The amendment was adopted.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 447, page 11, Section 11, by adding at the end of said Section the following: "Provided that the franchise or privilege granted to, or exercised by, the utilities to install, maintain, and operate its facilities in the municipality shall not be included or considered as an item or element of value or cost in determining the rate or rates to be charged by the utility."

The amendment was adopted.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 447, page 13, by striking out all of Section 16, of said bill.

VAUGHAN,  
METCALFE,  
BURNS,  
HUGHES,  
TENNYSON,  
WALKER.

Mr. Burns moved the previous question on the pending amendment to the amendment, and the main question was ordered.

Question recurring on the amendment by Mr. Vaughan, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—86

Adamson.	Hughes.
Ajkin.	Hunt.
Alexander.	James.
Alsup.	Johnson
Anderson	of Anderson.
of Bexar.	Jones of Runnels.
Anderson	Jones of Shelby.
of Johnson.	Kyle of Hays.
Baker.	Lemens.
Barrett.	Lindsey.
Beck.	Long.
Bedford.	Lotief.
Bourne.	Magee.
Bradley.	McKee.
Burns.	Merritt.
Calvert.	Metcalfe.
Camp.	Morrison.
Canon.	Palmer.
Chastain.	Pope.
Cowley.	Puryear.
Crossley.	Ramsey.
Daniel.	Ray.
Davidson.	Reed of Bowie.
Dean.	Roberts.
Devall.	Rogers of Hunt.
Engelhard.	Rogers
Fain.	of Ochiltree.
Few.	Russell.
Ford.	Scarborough.
Fuchs.	Scott.
Glass.	Shults.
Golson.	Smith.
Good.	Stanfield.
Goodman.	Stovall.
Graves.	Tarwater.
Harman.	Tennyson.
Harris.	Thomas.
Hartzog.	Tillery.
Head.	Townsend.
Hester.	Van Zandt.
Hicks.	Vaughan.
Hodges.	Walker.
Holekamp.	Wells.
Hoskins.	Wood.
Huddleston.	Young.

Nays—41

Barron.	Latham.
Butler.	Mackay.
Cathey.	Mathis.
Clayton.	McCullough.
Dunlap.	McGregor.
Dunagan.	Mitcham.
Hankamer.	Moffett.
Harrison.	Moore.
Hill of Webb.	Morse.
Holland.	Munson.
Holloway.	Parkhouse.
Hyder.	Patterson.
Jackson.	Pavlica.
Kyle of Palo Pinto.	Ratliff.

Reed of Dallas.	Stinson.
Renfro.	Turlington.
Rollins.	Wagstaff.
Ross.	Weinert.
Savage.	West.
Shannon.	Winningham.
Steward.	

## Present—Not Voting

Jones of Atascosa.

## Absent

Caven.	Laird.
Coombes.	Leonard.
Duvall.	McClain.
Dwyer.	McDougald.
Greathouse.	Nicholson.
Griffith.	Reader.
Haag.	Riddle.
Jefferson.	Sullivant.
Kayton.	

## Absent—Excused

Colson.	Johnson
Fisher.	of Dimmit.
Hill of Brazoria.	

Mr. Pope moved to reconsider the vote by which the amendment by Mr. Vaughan was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—87

Adamson.	Glass.
Aikin.	Golson.
Alexander.	Goodman.
Alsop.	Graves.
Anderson	Harman.
of Johnson.	Harris.
Baker.	Head.
Barrett.	Hester.
Beck.	Hicks.
Bourne.	Hodges.
Bradley.	Holekamp.
Burns.	Hoskins.
Calvert.	Huddleston.
Camp.	Hughes.
Canon.	Hunt.
Cathey.	James.
Caven.	Johnson
Chastain.	of Anderson.
Cowley.	Jones of Atascosa.
Daniel.	Jones of Runnels.
Davidson.	Jones of Shelby.
Dean.	Kyle of Hays.
Devall.	Lemens.
Dunagan.	Lindsey.
Engelhard.	Lotief.
Fain.	Magee.
Few.	McClain.
Ford.	McKee.
Fuchs.	Merritt.

Metcalf.	Shults.
Morrison.	Smith.
Palmer.	Stovall.
Parkhouse.	Tarwater.
Pope.	Tennyson.
Puryear.	Thomas.
Ramsey.	Tillery.
Ray.	Townsend.
Reed of Bowie.	Turlington.
Roberts.	Van Zandt.
Rogers of Hunt.	Vaughan.
Rogers	Walker.
of Ochiltree.	Weinert.
Rollins.	Wells.
Russell.	Wood.
Scarborough.	Young.

## Nays—23

Butler.	Munson.
Clayton.	Pavlica.
Hankamer.	Ratliff.
Hartzog.	Reed of Dallas.
Kyle of Palo Pinto.	Renfro.
Mathis.	Savage.
McCullough.	Shannon.
McGregor.	Steward.
Mitcham.	Stinson.
Moffett.	Wagstaff.
Moore.	Winningham.
Morse.	

## Absent

Anderson	Jackson.
of Bexar.	Jefferson.
Barron.	Kayton.
Bedford.	Laird.
Coombes.	Latham.
Crossley.	Leonard.
Dunlap.	Long.
Duvall.	Mackay.
Dwyer.	McDougald.
Good.	Nicholson.
Greathouse.	Patterson.
Griffith.	Reader.
Haag.	Riddle.
Harrison.	Ross.
Hill of Brazoria.	Scott.
Holland.	Stanfield.
Holloway.	Sullivant.
Hyder.	West.

## Absent—Excused

Colson.	Johnson
Fisher.	of Dimmit.
Hill of Webb.	

Question — Shall the committee amendment by Mr. Morse be adopted?

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.  
Sir: I am directed by the Senate

to inform the House that the Senate has passed

S. B. No. 423, A bill to be entitled "An Act relating to claim against the State of Texas arising by reason of mileage purported to have been traveled by fee officers and/or other persons traveling on State expense; designating official mileage chart; and declaring an emergency."

S. B. No. 435, A bill to be entitled "An Act amending Article 1027, Code of Criminal Procedure, as amended by Chapter 205, General Laws, Regular Session, Forty-second Legislature, so as to provide that no officer shall collect any fees from the State of Texas in any case, except murder, where a defendant may, under the indictment, be convicted of a misdemeanor or a felony with punishment assessed at a fine, jail sentence, or both such fine and imprisonment in jail, until after the case has been finally disposed of; etc., and declaring an emergency."

S. B. No. 437, A bill to be entitled "An Act amending Article 26, Chapter 2, Title 1, Code of Criminal Procedure, relating to the duties of county attorneys; prescribing their compensation for representing the State, either alone or aiding the district attorney in the prosecution of felony cases, including habeas corpus hearings, where the relator is charged with an offense of the grade of felony, in the district court; providing that such compensation shall be deducted from the compensation allowed district attorneys; and declaring an emergency."

S. B. No. 83, A bill to be entitled "An Act amending Section 5, of Article 1029 of the Texas Code of Criminal Procedure, relating to fees of sheriff or constable; and declaring an emergency."

S. B. No. 84, A bill to be entitled "An Act relating to fees of sheriff or constable; amending Article 1030, Section 1, Texas Code of Criminal Procedure."

H. B. No. 810, A bill to be entitled "An Act to amend Chapter 314, Acts, Forty-second Legislature, 1931, being House Bill No. 981 (Art. 1118-a, Vernon's Revised Civil Statutes, 1925, and 1932 Supplements), by amending Section 2-a thereof to hereafter

read and provide that the requirements of House Bill No. 312, Acts, Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this Act until after June 1, 1934, instead of after June 1, 1932, etc., and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 423, to the Committee on Claims and Accounts.

Senate Bill No. 435, to the Committee on Criminal Jurisprudence.

Senate Bill No. 437, to the Committee on Criminal Jurisprudence.

Senate Bill No. 83, to the Committee on Criminal Jurisprudence.

Senate Bill No. 84, to the Committee on Criminal Jurisprudence.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

H. B. No. 810, "An Act to amend Chapter 314, Acts, Forty-second Legislature, 1931, being House Bill No. 981 (Art. 1118-a, Vernon's Revised Civil Statutes, 1925, and 1932 Supplements), by amending Section 2-a thereof to hereafter read and provide that the requirements of House Bill No. 312, Acts, Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this Act until after June 1, 1934, instead of after June 1, 1932, etc., and declaring an emergency."

H. B. No. 362, "An Act prohibiting the use of any seine or net for taking fish from any of the waters of Lamar County, except a seine, or net, of not less than two-inch square mesh; or a

minnow seine for the purpose of taking bait; providing a penalty; and declaring an emergency."

H. B. No. 441, "An Act to prohibit the use of a seine or net for taking fish in Cherokee County, except a seine or net of not less than three-inch square mesh, except during certain months, and excepting a minnow seine from the provisions of this Act; providing a penalty; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 589, "An Act to make it unlawful to take or kill wild quail of any specie, for a period of five years, in Andrews County, Texas; fixing penalty; and declaring an emergency."

H. B. No. 539, "An Act providing for an open season for doves in Smith and Wood Counties, and repealing the Acts of 1930, Forty-first Legislature, Fourth Called Session, page 29, Chapter 19, and all other laws or parts of law in conflict herewith, in so far as they affect Smith and Wood Counties, Texas, and declaring an emergency."

H. B. No. 535, "An Act making it unlawful for any person to catch or take or attempt to take or catch catfish of less length than nine (9) inches in Burnet County; providing a penalty; and declaring an emergency."

H. B. No. 534, "An Act making it unlawful to shoot at or kill any wild deer or wild turkey in that portion of Burnet County north of the Colorado River; providing a penalty; and declaring an emergency."

H. B. No. 533, "An Act to prohibit the use of a steel trap for taking furbearing animals or the setting of any steel trap in Anderson and Cherokee Counties, with certain exceptions; providing a penalty; repealing all laws in conflict therewith; and declaring an emergency."

H. B. No. 236, "An Act to amend Section 1, Chapter 90, House Bill No. 610, Special Laws of the Forty-second Legislature, and declaring an emergency." (Relating to the protection of fish in Bosque County.)

H. B. No. 339, "An Act to amend Acts of 1931, Forty-second Legislature, First Called Session, page 5,

Chapter 3, known as Senate Bill No. 8, prescribing the kind of tackle and method of taking fish in certain fresh waters in certain counties, and prohibiting all other tackle; prohibiting possession of any tackle, not authorized by this Act, within two hundred yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande Rivers from the provisions of this Act; prohibiting the sale, offering for sale, or having in possession for the purpose of sale of certain species in said Counties; providing a closed season for a period of time when it shall be unlawful to take fresh-water fish; making it unlawful to possess certain species of fish of less length than specified in this Act, and increasing the length of catfish to twelve inches; prescribing a penalty; repealing all laws and parts of laws in conflict with this Act, except the Special Laws, Forty-second Legislature, Regular Session, House Bill No. 610, Chapter 90, page 194, and declaring an emergency."

#### HOUSE BILL NO. 327 WITH SENATE AMENDMENTS

Mr. Van Zandt called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 327, A bill to be entitled "An Act amending Chapter 69, of the Acts of the Forty-second Legislature, Regular Session, providing for the taking of catfish, perch, buffalo, and drum, in the waters of Delta, Hopkins, or Franklin Counties, by hand, or with a seine having meshes one inch square, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Van Zandt, the House concurred in the Senate amendments by the following vote:

Yeas—115

Adamson.	Burns.
Aikin.	Butler.
Alexander.	Calvert.
Alsup.	Camp.
Anderson	Canon.
of Bexar.	Cathey.
Anderson	Caven.
of Johnson.	Chastain.
Baker.	Clayton.
Barron.	Cowley.
Beck.	Crossley.
Bourne.	Daniel.

Davidson.	Mathis.
Dean.	McCullough.
Devall.	McDougald.
Dunagan.	McGregor.
Engelhard.	McKee.
Fain.	Merritt.
Few.	Metcalf.
Ford.	Mitcham.
Fuchs.	Moffett.
Glass.	Moore.
Golson.	Morrison.
Good.	Morse.
Goodman.	Munson.
Graves.	Parkhouse.
Hankamer.	Patterson.
Harman.	Pope.
Harris.	Puryear.
Harrison.	Ramsey.
Hartzog.	Ratliff.
Head.	Ray.
Hester.	Reed of Bowie.
Hicks.	Reed of Dallas.
Hill of Webb.	Renfro.
Hodges.	Roberts.
Holekamp.	Rogers of Hunt.
Holland.	Rogers
Holloway.	of Ochiltree.
Hoskins.	Rollins.
Huddleston.	Ross.
Hughes.	Russell.
Hunt.	Scarborough.
Hyder.	Scott.
Jackson.	Shults.
James.	Smith.
Johnson	Steward.
of Anderson.	Stovall.
Jones of Runnels.	Tennyson.
Jones of Shelby.	Thomas.
Kyle of Hays.	Tillery.
Kyle of Palo Pinto.	Townsend.
Latham.	Turlington.
Lemens.	Vaughan.
Leonard.	Wagstaff.
Lindsey.	Walker.
Long.	West.
Lotief.	Winningham.
Magee.	Wood.
Mackay.	

## Absent

Barrett.	Nicholson.
Bedford.	Palmer.
Bradley.	Pavlica.
Coombes.	Reader.
Dunlap.	Riddle.
Duvall.	Savage.
Dwyer.	Shannon.
Greathouse.	Stanfield.
Griffith.	Stinson.
Haag.	Sullivant.
Jefferson.	Tarwater.
Jones of Atascosa.	Van Zandt.
Kayton.	Weinert.
Laird.	Wells.
McClain.	Young.

## Absent—Excused

Colson.	Johnson
Fisher.	of Dimmit.
Hill of Brazoria.	

## BILL LAID ON THE TABLE SUBJECT TO CALL

On motion of Mr. Greathouse, House Bill No. 791 was laid on the table subject to call.

## RECESS

Mr. Patterson moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Harman moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—53

Aikin.	Hodges.
Alexander.	Huddleston.
Anderson	Hughes.
of Johnson.	Jackson.
Baker.	James.
Barrett.	Johnson
Burns.	of Anderson.
Calvert.	Kyle of Hays.
Camp.	Lemens.
Canon.	Merritt.
Caven.	Metcalf.
Clayton.	Moffett.
Daniel.	Munson.
Davidson.	Palmer.
Devall.	Reed of Bowie.
Dwyer.	Rogers of Hunt.
Ford.	Ross.
Golson.	Savage.
Good.	Scott.
Goodman.	Shannon.
Graves.	Shults.
Hankamer.	Stovall.
Harman.	Tillery.
Harris.	Van Zandt.
Harrison.	Vaughan.
Hartzog.	Walker.
Head.	Wood.
Hicks.	

Nays—72

Adamson.	Bourne.
Alsup.	Bradley.
Anderson	Butler.
of Bexar.	Chastain.
Barron.	Crossley.
Beck.	Dean.

Dunlap.	Moore.
Dunagan.	Morrison.
Duvall.	Morse.
Engelhard.	Nicholson.
Fain.	Parkhouse.
Fuchs.	Patterson.
Glass.	Pavlica.
Griffith.	Puryear.
Hester.	Ramsey.
Hill of Webb.	Ratliff.
Holekamp.	Ray.
Holland.	Reed of Dallas.
Hoskins.	Renfro.
Hyder.	Roberts.
Jones of Atascosa.	Rogers
Jones of Runnels.	of Ochiltree.
Kayton.	Rollins.
Kyle of Palo Pinto.	Russell.
Laird.	Scarborough.
Latham.	Smith.
Leonard.	Steward.
Lindsey.	Stinson.
Long.	Tarwater.
Lotief.	Tennyson.
Magee.	Thomas.
Mackay.	Townsend.
McClain.	Turlington.
McCullough.	Wagstaff.
McDougald.	Wells.
McKee.	Winningham.
Mitcham.	Young.

## Absent

Bedford.	Jones of Shelby.
Cathey.	Mathis.
Coombes.	McGregor.
Cowley.	Pope.
Few.	Reader.
Greathouse.	Riddle.
Haag.	Stanfield.
Holloway.	Sullivant.
Hunt.	Weinert.
Jefferson.	West.

## Absent—Excused

Colson.	Johnson
Fisher.	of Dimmit.
Hill of Brazoria.	

Question next recurring on the motion by Mr. Patterson, it prevailed, and the House, accordingly, at 5:05 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable report on bills, as follows:

Appropriations: House Bill No. 717.

Criminal Jurisprudence: House Bill No. 626.

Insurance: House Bill No. 372.

Judicial Districts: House Bill No. 775.

Public Health: House Bill No. 279.

Conservation and Reclamation: Senate Bill No. 391.

## REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, March 24, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 810, A bill to be entitled "An Act to amend Chapter 314, Acts, Forty-second Legislature, 1931, being House Bill No. 981 (Art. 1118-a, Vernon's Revised Civil Statutes, 1925, and 1932 Supplements), by amending Section 2-a thereof to hereafter read and provide that the requirements of House Bill No. 312, Acts, Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this Act until after June 1, 1934, instead of after June 1, 1932, etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,

Austin, Texas, March 24, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 646, A bill to be entitled "An Act to prohibit the sale, or offering for sale, or the buying of any bass, crappie, perch, or catfish, or any other fish, taken from the fresh waters within the following named counties: San Saba, Gillespie, Kerr, Comal, Llano, Mason, Kimble, Val Verde, Edwards, Sutton, and Real; and to prohibit the use of trot line, drag seine, or net, and to limit the size and number of fish to be caught; repealing all laws and parts of laws in conflict herewith; and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 24, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 689, A bill to be entitled  
"An Act to amend Article 880 of the  
Penal Code of 1925; and declaring an  
emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 24, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills, to whom was referred

H. B. No. 599, A bill to be entitled  
"An Act to amend Chapter 7, House  
Bill No. 35, Acts of the Third Called  
Session of the Forty-second Legisla-  
ture, regulating the taking of certain  
wild fur-bearing animals; providing  
for a penalty for violation thereof,  
and declaring an emergency,"

Has carefully compared same, and  
finds it correctly engrossed.

HYDER, Vice-Chairman.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 589, "An Act to make it  
unlawful to take or kill wild quail of  
any specie for a period of five (5)  
years in Andrews County, Texas; fix-  
ing penalty; and declaring an emer-  
gency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 168, "An Act making ap-  
propriations to pay salaries to judges,  
and for the support and maintenance  
of the Judicial Department of the

State Government for the two (2)  
year period, beginning September 1,  
1933, and ending August 31, 1935; re-  
quiring all fees paid to clerks or officers  
of all appellate courts to be deposited  
monthly in the State Treasury, and  
that none of such fees be retained by  
said clerks or officers as compensation  
for their services; prescribing certain  
rules and restrictions respecting the  
expenditure of appropriations made  
herein; repealing all laws in conflict  
herewith; declaring the invalidity of  
any portion of this Act shall not af-  
fect any other portion; and declaring  
an emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 362, "An Act prohibiting  
the use of any seine or net for taking  
fish from any of the waters of Lamar  
County, except a seine or net of not  
less than two-inch square mesh; or a  
minnow seine for the purpose of  
taking bait; providing a penalty; re-  
pealing all laws and parts of laws in  
conflict herewith; and declaring an  
emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 539, "An Act providing  
an open season for doves in Smith  
and Wood Counties, preventing per-  
son or persons from entering en-  
closures with bird dog and gun during  
the closed season provided for in this  
Act, and repealing the Acts of 1930,  
Forty-first Legislature, Fourth Called  
Session, page 29, Chapter 19, and all  
other laws or parts of laws in conflict  
herewith in so far as they affect  
Smith and Wood Counties, Texas, and  
declaring an emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 236, "An Act to amend  
Section 1, Chapter 90, House Bill No.  
610, Special Laws of the Forty-second  
Legislature; and declaring an emer-  
gency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 535, "An Act making it  
unlawful for any person to catch or  
take, or attempt to take or catch, cat-  
fish of less length than nine (9)  
inches in Burnet County; providing a  
penalty; and declaring an emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 339, "An Act to amend  
Acts, 1931, Forty-second Legislature,  
First Called Session, page 5, Chapter  
3, relating to fishing in Gillespie and  
Mason Counties, so as to change the  
period for the open season; the legal  
length of certain fish; the number that  
may be caught in Gillespie and Mason  
Counties; and declaring an emer-  
gency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 534, "An Act making it  
unlawful to shoot at or kill any wild

deer or wild turkey in that portion of  
Burnet County, north of the Colorado  
River, and all of Lampasas County;  
providing a penalty; and declaring an  
emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 533, "An Act to prohibit  
the use of a steel trap for taking fur-  
bearing animals, or the setting of any  
steel trap in Anderson and Cherokee  
Counties, with certain exceptions; pro-  
viding a penalty; repealing all laws in  
conflict herewith; and declaring an  
emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 441, "An Act to prohibit  
the use of a seine or net for taking  
fish in Cherokee County, except a  
seine or net of not less than three-  
inch square mesh during certain  
months; excepting a minnow seine  
from the provisions of this Act; pro-  
viding a penalty; repealing all laws  
or parts of laws in conflict herewith;  
and declaring an emergency,"

Has carefully compared same, and  
finds it correctly enrolled.

ROGERS of Hunt, Chairman.

Committee Room,  
Austin, Texas, March 27, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 810, "An Act to amend  
Chapter 314, Acts, Forty-second Leg-  
islature, 1931, being House Bill No.  
981 (Article 1118-a, Vernon's Revised  
Civil Statutes, 1925, and 1932 Supple-

ments), by amending Section 2-a thereof to hereafter read and provide that the requirements of House Bill No. 312, Acts, Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this Act, until after June 1, 1934, instead of after June 1, 1932, as provided in Section 11 of said House Bill No. 312, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

#### FORTY-FOURTH DAY

(Continued)

(Tuesday, March 28, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

#### EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Your kind expression of sympathy is gratefully acknowledged and deeply appreciated.

Signed—Mr. Sterling Emmens, and Mr. and Mrs. W. F. Patterson, Sr.

#### BILL RE-REFERRED

On motion of Mr. Goodman, House Bill No. 853 was withdrawn from the Judiciary Committee, and referred to the Committee on Criminal Jurisprudence.

#### CONFERENCE COMMITTEE REPORT ON SENATE CONCURRENT RESOLUTION NO. 12

Mr. Jones of Atascosa submitted the following conference committee report on Senate Concurrent Resolution No. 12:

Committee Room,  
Austin, Texas, March 24, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee on

S. C. R. No. 12, Granting J. W. Almond, Jr., permission to sue the State,

Have had the same under consideration, and have adjusted the differences between the House and the Senate; the House receding from its amendment, and recommend that the report be adopted.

Respectfully submitted,

REGAN,  
RAWLINGS,  
DUGGAN,  
MOORE,  
SMALL,

On the part of the Senate;

TOWNSEND,  
JONES of Atascosa,  
HEAD,  
GRAVES,  
McGREGOR,

On the part of the House.

On motion of Mr. Jones of Atascosa, the report was adopted.

#### HOUSE BILL NO. 447 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 447, A bill to be entitled "An Act defining 'public utilities,' and providing for their regulation, creating the Public Utilities Commission of this State, and fixing their qualifications and compensation, and prescribing their duties and powers, and the manner in which the jurisdiction herein conferred shall be exercised; providing penalties for the violation of this Act, and for the repeal of all laws and parts of laws in conflict herewith";

The bill having been read second time on yesterday, with committee amendment by Mr. Morse, pending.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 447, page 20, line 15, by adding the following: "The Commission shall, without unreasonable delay, render the proper and necessary assistance to the municipality to adequately determine the proper facts and data necessary